

No. _____

KELSEY JO LACKEY

§

IN THE COURT OF

§

FILED
 COURT OF CRIMINAL APPEALS

v.

§

CRIMINAL APPEALS

§

7/14/2017
 DEANA WILLIAMSON, CLERK

THE STATE OF TEXAS

§

OF TEXAS

**APPELLANT'S MOTION FOR EXTENSION OF TIME
 TO FILE PETITION FOR DISCRETIONARY REVIEW**

Appellant, KELSEY JO LACKEY, asks the Court to extend the time to file the petition for discretionary review.

A. INTRODUCTION

1. Appellant is Kelsey Jo Lackey.
2. This motion is filed within the 15-day period to file a motion to extend the time to file a petition for discretionary review (PDR), as required by Texas Rule of Appellate Procedure 68.2(c).
3. The undersigned counsel attempted to contact the State's attorney via email on July 11, 2017 to see whether the State opposed this motion, but counsel has received no response.

B. ARGUMENT & AUTHORITIES

4. The Court has the authority under Rule 68.2(c) to grant Appellant additional time to file a PDR.

5. The Waco Court of Appeals issued its judgment in Kelsey Jo Lackey v. The State of Texas, cause number 10-17-00016-CR, on March 20, 2017.

6. Appellant's motion for rehearing was filed in the court of appeals on April 4, 2017 and was overruled on June 13, 2017.

7. Appellant's PDR is due to be filed in this Court on July 13, 2017.

8. Appellant requests an additional 30 days to file the PDR, extending the time until Monday, August 14, 2017.

9. No previous extension has been granted to extend the time to file the PDR.

10. Appellant needs additional time to file the PDR because his counsel has had other trial and appellate settings that have prevented counsel from preparing the PDR by its current due date. Those other settings have included:

A. Counsel has prepared and filed an appellant's brief on June 19, 2017 in the Waco Court of Appeals in cause no. 10-17-00017-CR, Steggall v. State; and an appellant's brief on July 3, 2017 in the Waco Court of Appeals in cause no. 10-17-00174-CV, In the Interest of P.E.M., an accelerated appeal.

B. Counsel attended depositions in Bryan, Texas that took most of the day on July 6, 2017 in cause no. , Galicia v. Shaikh, pending in the 85th District Court of Brazos County.

C. Counsel has been diligently preparing a petitioner's brief on the merits that was due on July 10, 2017 in the Supreme Court in cause nos. 10-1619 and 10-1620, Mark Ken Tafel v. The State of Texas.

D. Counsel has been diligently preparing for a jury trial that was set for July 10, 2017 in the 54th District Court in cause no. 2016-87-C2, State v. Hall, on a 10-count indictment alleging charges of aggravated sexual assault of a child, sexual assault of a child, and indecency with a child. Counsel was advised the week before that setting that the July 10 trial would be postponed because a critical State's witness is unavailable.

11. These other matters have left counsel with less than a week to do the necessary research and draft and prepare the PDR in this case.

C. PRAYER

12. For these reasons, Appellant asks the Court to grant an extension of time to file the PDR until August 14, 2017.

Respectfully submitted,

/s/ Alan Bennett

E. Alan Bennett
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Certificate of Service

The undersigned hereby certifies that a true and correct copy of this document has been served by eservice on July 13, 2017 to: (1) counsel for the State, Douglas Howell, dhowell@brazoscountytexas.gov; and (2) the State Prosecuting Attorney, information@SPA.texas.gov.

/s/ Alan Bennett

E. Alan Bennett